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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,377	12/14/2001	Amr F. Yassin	US 010502	8074
24737	7590	03/10/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			VAN HANDEL, MICHAEL P	
		ART UNIT		PAPER NUMBER
		2617		
DATE MAILED: 03/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/017,377	YASSIN ET AL.
	Examiner Michael Van Handel	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-8, 10-15, 17, 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson.

Referring to claims **1, 11, and 18**, Robinson discloses a system/method of presenting a commercial in a time slot to a viewer, the system/method comprising:

- at least one source of one or more commercials providing one or more commercials to a receiver operatively coupled with a display device (p. 8, paragraph 124), each commercial having an agent associated therewith (p. 1, paragraph 9), the agent for each commercial configured to place a bid for the time slot on behalf of the associated commercial (p. 1, paragraph 16);
- a profile database to store data related to local viewer preferences, including demographic information and viewing habit information, and allowing the agent for at least one commercial to access the local viewer preference related data in the profile database, the agent using the accessed local viewer preference related

data to determine the bid to be placed for the time slot (p. 1, paragraphs 5, 6, 10)(p. 6, paragraphs 89-91, 94); and

- a processor capable of:
  - o auctioning the time slot to the one or more commercials provided to the receiver (p. 1, paragraph 11)(p. 3, paragraph 42);
  - o selecting the commercial having the agent which placed a winning bid and displaying the commercial having the agent which placed the winning bid during the time slot (p. 3, paragraph 43); and
  - o storing information related to the commercial having the agent, which placed the winning bid in a vault (p. 2, paragraph 30)(p. 6, paragraph 92).

Referring to claims **2** and **12**, Robinson discloses the method/system of claims 1 and 11, respectively, further comprising the step of storing information related to the commercial having the agent, which placed the winning bid, in a vault (p. 2, paragraph 30)(p. 6, paragraph 92).

Referring to claims **3** and **13**, Robinson discloses the method/system of claims 2 and 12, respectively, further comprising the step of allowing the agent for at least one commercial to access the information in the vault, the agent using the accessed information to determine the bid to be placed for the time slot (the examiner notes that in determining an appropriate bid, the agent has access to bidding results)(p. 6, paragraphs 86, 92).

Referring to claims **4-6** and **14**, Robinson discloses the method/system of claims 1 and 11, further comprising the step of:

- maintaining a profile database to store data related to local viewer preferences, including demographic information and viewing habit information, and allowing

the agent for at least one commercial to access the local viewer preference related data in the profile database, the agent using the accessed local viewer preference related data to determine the bid to be placed for the time slot (p. 1, paragraphs 5, 6, 10)(p. 6, paragraphs 89-91, 94).

Referring to claim 7, Robinson discloses the method of claim 1, wherein the bid placed by the agent of at least one commercial is a fixed amount (p. 10, paragraph 157).

Referring to claim 8, Robinson discloses the method of claim 1, wherein the winning bid awarded by the awarding step is the bid having the highest monetary value (p. 1, paragraph 15).

Referring to claims 10 and 15, Robinson discloses the method/system of claims 1 and 11, respectively, wherein the commercial delivery step includes loading at least one commercial and the agent associated therewith onto the television receiver prior to the time slot (p. 3, paragraph 46)(p. 8, paragraph 124).

Referring to claim 17, Robinson discloses the system of claim 11, wherein the receiver is configured to receive the commercial and agent associated therewith separately (Fig. 4).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

Referring to claim 9, Robinson discloses the method of claim 1. Robinson further discloses the use of the Vickrey auction, as well as other auction models (p. 5-6, paragraphs 83-84). Robinson does not disclose a method, wherein the winning bid awarded by the awarding step is determined by setting a desired monetary value, and then reducing the desired monetary value until the agent of at least one commercial places a bid at least equal to the desired monetary value. The examiner takes Official Notice that it is well known within the prior art to auction off resources through the use of a Dutch auction, wherein the initial asking price is set high and reduced until one of the auction participants is willing to accept the asking price. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Robinson to auction off resources through the use of a Dutch auction, such as that taught by the prior art in order to auction resources quickly.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Zigmund et al.

Referring to claim 16, Robinson discloses the system of claim 11, wherein the receiver is configured to receive the commercial and the agent associated therewith. Robinson does not specifically disclose whether the commercial and the agent are received simultaneously. Zigmund et al. discloses an ad insertion device 80, which receives ad selection rules and advertisements. Zigmund et al. further discloses that the ad selection rules may be delivered to the ad selection device at the same time as the advertising feed (col. 11, l. 66-67 & col. 12, l. 1-32). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Robinson to deliver ad selection rules at the same time as an advertising

feed, such as that taught by Zigmond et al. in order to easily correlate data with its associated parameters.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goldhaber et al. (U.S. Patent# 5,855,008) discloses an approach for distributing advertising and other information over a computer network.

Ozer et al. (U.S. Patent# 6,704,929) discloses a home entertainment system for tracking viewing behavior.

Bruckner et al. (U.S. Publication# 2005/0015796) discloses a system and method for managing interactive programming and advertisements in interactive broadcast systems.

Eldering (U.S. Patent# 6,324,519) discloses an advertisement auction system.

Coleman (U.S. Publication# 2002/0026351) discloses a method and system for delivery of targeted commercial messages.

Goldman et al. (U.S. Publication# 2003/0135853) discloses a system and method of inserting advertisements into an information retrieval system display.

Brown et al. (U.S. Patent# 6,950,623) discloses methods and systems for dynamically serving in-stream advertisements.

Eldering et al. (U.S. Patent# 6,820,277) discloses an advertising management system for digital video streams.

Eldering et al. (U.S. Patent# 6,704,930) discloses advertisement insertion techniques for digital video streams.

Roth et al. (U.S. Patent# 6,285,987) discloses an Internet advertising system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel  
Examiner  
Art Unit 2617

MVH



VIVEK SRIVASTAVA  
PRIMARY EXAMINER